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European Satellite Operators Association

EX PARTE OR LATE FILED

Brussels October 21st 2002,

Ms. Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Ex-parte views on IB Docket No. 01-185 from the European Satellite Operators Association (ESOA)

Dear Ms. Dortch:

ESOA is writing to address an issue pending before the FCC that could have grave implications for the mobile satellite systems around the world, and that threatens to undermine continued access to sufficient spectrum by those satellite systems.

1. ESOA represents the interests of European satellite operators in Europe and internationally

ESOA, a non-profit organisation based in Brussels, represents the interests of European satellite operators to key organisations around the world mainly dealing with regulatory matters, including communicating with such organisations as the FCC and the European Commission and the European Parliament. Activities underway include representing the operators' interests in key political, regulatory and commercial forums both within Europe and internationally. The members of ESOA are: EurasiaSat SAM, Europe*Star Ltd.. Eutelsat S.A., Hispasat S.A., Inmarsat Ventures plc., New Skies Satellites N.V., Nordic Satellites AB, SES GLOBAL S.A., Telenor Plus Holdings A.S. and Telespazio S.p.A We are pleased to be able to represent the views *of* our members *to* the FCC in this proceeding.

ESOA is extremely concerned by the proposals the FCC is considering to allow the use of Mobile Satellite Service (MSS) frequency allocations for independently-provided terrestrial wireless services.

2. ATC would cause unacceptable interference to international MSS operations

Analysis of interference from ATC (i.e. terrestrial operations that are integrated with an ***MSS*** network) carried out by Inmarsat Ventures plc for the L-band and submitted to this

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Commission shows that these networks would cause unacceptable interference into the uplinks of other international MSS networks, whether they are operating over the U.S., or are attempting to provide service outside the U.S. Interference from an independent terrestrial network would be even worse, since some of the mitigating factors that have been taken into account in the analysis of interference from ATC into MSS would not be applicable to independent terrestrial networks, and the interference levels would be correspondingly greater. Due to the inherent sensitivity of Satellite Earth Station receivers, strong terrestrial base station signals would prevent the Mobile Earth Stations from working in the vicinity of any ATC or other terrestrial base station.

This question has been studied extensively in the preparatory work since the 1992 for a number of World Radiocommunications Conferences, in relation to spectrum sharing by the earth and space components of IMT-2000. In that work, the conclusion has always been that it is not possible for these separate components to share spectrum (e.g. see Annex 1, ITU-R Recommendation M.1036).

ESOA is also very concerned about proposals to allow MSS frequencies to be used for terrestrial mobile communications by terrestrial operators who do not also use MSS satellite components. Clearly, any authorised use of Mobile Satellite Service (MSS) spectrum by a terrestrial mobile service will preclude the use of the same spectrum by the MSS service.

3. Mobile Satellite spectrum is in great demand, and should not be re-allocated to terrestrial services in derogation of the Radio Regulations

It *is* clear that significant additional MSS bands (below 3GHz) are required to meet future demand for MSS. ITU-R studies have shown that the spectrum requirements exceed the currently allocated bands (ITU-R Report M.2023 and CPM-99 Report).
In the ITU Table of Frequency Allocations, there is no primary allocation for terrestrial mobile services in the L-band (1.5/1.6GHz), so non-conforming terrestrial uses in the U.S. must not cause harmful interference outside the U.S. Any harmful interference caused by terrestrial uses to international satellite systems would be contrary to the United States' obligations under the ITU Radio Regulations. In addition, the United States is a party to an international L-band coordination agreement that governs use of the L-Band over North America, which expressly requires that the **U.S.** avoid situations that could give rise to unacceptable interference.

Given the state of knowledge about mobile satellite/terrestrial sharing at the time of the NPRM. ESOA is very concerned that the **U.S.** is prepared to consider licensing services that will cause harmful interference in derogation of the Radio Regulations and the above mentioned L-Band coordination agreement. If this indeed is the case, then the United States should also consider the implications of their contemplated actions on satellite networks if this policy were to be adopted by other national administrations – asituation that could cause significant harm to MSS operations.

4. Satellites provide services that cannot be provided economically in any other way and are best provided with internationally harmonized spectrum allocations

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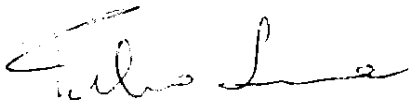
The public interest requires the continued availability of satellite services. The unrivalled one-to-many nature of satellites and global span are unique to satellite-provided services. Satellites are used to provide for example, international telecommunications services, direct-to-home broadcasting and international mobile telecommunications economically. Because of their global reach and beam coverage spanning many countries, one of the fundamental requirements for satellite services is access to sufficient globally-harmonised spectrum allocations. Any national use of satellite spectrum by services that cause harmful interference in derogation of the Radio Regulations will reduce the available spectrum and undermine the availability of these services. Similarly. spectrum auctions would threaten the viability of both existing, and new and emerging services through the unique medium of satellite, limiting thereby also access for such services from remote locations of territories that only satellite may reach.

5. Conclusion

The Commission should not allow terrestrial use of the L-Band exclusively allocated to the **MSS** for four main reasons: (i) terrestrial uses would create harmful inference into MSS satellite networks operating outside the United States; (ii) terrestrial uses could violate the obligations of the United States under the ITU Radio Regulations, and would violate a separate international L-band agreement that governs use of the L-Band over North America (iii) existing satellite spectrum scarcity problems in the L-Band would be made much worse by terrestrial uses that consume L-Band spectrum that is much needed for satellite service; and (iv) the need for terrestrial service can be met by using separate terrestrial frequencies without raising these interference, legal and policy impediments.

In addition. the policies that are implicit in the proposals in the **NPRM** proceeding for L-band 'flexibility' must not be used for other satellite service bands, namely that spectrum efficiency and flexibility are the most important criteria for frequency allocations, and that spectrum auctions are the best way to assign spectrum to users. ESOA is concerned that spectrum regulatory authorities in other countries may wrongly follow the FCC and reallocate nationally satellite allocations to other uses, in derogation of the Radio Regulations and to the harm of the satellite industry without a more extensive discussion of all the implications.

Respectfully submitted,



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